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September 16, 2009

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VIA ECF

Honorable Andrew L. Carter, Jr.
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: Petersen v. Aries Financial, et al., 06 Civ 06663(RJD) (ALC)

Dear Magistrate Carter:

I represent Plaintiff Marie Petersen in the above-captioned matter and write in response to the September 15th letter of Andrew Sfougatakis regarding the adjournment of today's deposition of his client, Gary Cucuzza, and the court's subsequent directive to conduct the deposition by September 25, 2009.

Pursuant to a June 5, 2009 order of Magistrate Gold, the parties are to complete all party depositions by October 15, 2009. Because of the difficulty of scheduling depositions with numerous counsel, to date we have completed the deposition of one party, Fred Powell.

The deposition of Joseph Trentacosta was scheduled for yesterday and the deposition of Gary Cucuzza was scheduled for today. Yesterday morning we received a call from Joseph Trentacosta informing us that the car that was transporting him from New Jersey to my office had broken down and he would not make it to the scheduled deposition. Mr. Trentacosta offered to re-schedule his deposition for this Monday, but Mr. Sosinsky, counsel for Aries Financial, was actually engaged in a matter that might have a two- or three-week trial. Thus, we do not yet have an alternative date for the Trentacosta deposition.

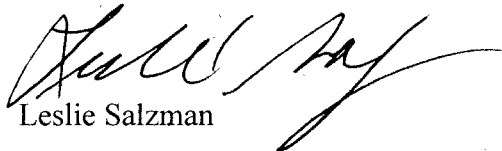
When I called Mr. Sfougatakis yesterday to confirm today's start time of 10 AM for his client's deposition, he requested that the deposition begin at 2 PM. While we would have liked to extend the courtesy of that adjournment, we explained that we were concerned that we could not complete Mr. Cucuzza's deposition in the afternoon, and after consulting our own schedules explained that in light of prior commitments, we were not able to re-schedule the deposition until October 5th. In addition, Mr. Sosinsky had already informed all counsel that he had a previously scheduled trial scheduled to begin on Monday that could take 2-3 weeks to complete. Therefore,

as we explained to Mr. Sfougatakis yesterday, we felt we could not consent to the adjournment in light of the respective schedules of counsel, the court's discovery order, and the need to conduct several party depositions by October 15th. We had been in contact with Ms. Sfougatakis both last evening and this morning in an effort to begin Mr. Cucuzza's deposition this afternoon, but that deposition was not held.

In light of the above, we wish to inform the court that the parties are unlikely to be able to conduct Mr. Cucuzza's deposition by September 25th as provided in this morning's order, and may have difficulty meeting the October 15th deadline for completion of all party depositions. We will communicate with all counsel to try to arrange mutually convenient times to conduct the balance of the party depositions.

Thank you.

Very truly yours,



Leslie Salzman

Cc: via ECF- all counsel